

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ROBYN SMITH for DEVAN
VANBRUNT, a Minor, by his Mother and
Natural Guardian,

**Court File No.: 0:11-cv-01771
(RHK/LIB)**

Plaintiff,

v.

BLITZ U.S.A. INC., WAL-MART
STORES, INC., and KINDERHOOK
INDUSTRIES, LLC,

Defendants.

**DEFENDANT KINDERHOOK INDUSTRIES, LLC'S NOTICE OF HEARING
ON MOTION TO DISMISS OR, IN THE ALTERNATIVE, TRANSFER
OR, IN THE ALTERNATIVE, STAY**

TO: Plaintiff Robyn Smith for Devan VanBrunt, a Minor, through her counsel, Hank Anderson and Benton G. Ross, The Anderson Law Firm, 4245 Kemp Blvd., Suite 810, Wichita Falls, Texas 76308; Michael Strom and Shauna M. Verheyen, Sieben Polk, P.A., 1640 Frontage Road, Suite 200, Hastings, MN 55033; and Daniel S. Haltiwanger, Esq. and Brady R. Thomas, Esq., Richardson, Patrick, Westbrook & Brickman, LLC, 1750 Jackson Street, Barnwell, SC 29812.

PLEASE TAKE NOTICE that on August 24, 2012 at 10 a.m., the Court will hear argument on Defendant Kinderhook Industries, LLC's Motion to Dismiss the count of the Second Amended Complaint alleged against it pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure or, in the alternative, Motion to Transfer the pursuant to 28 U.S.C. § 1412 or, in the alternative, Motion to Stay the claim pursuant to 11 U.S.C. § 362(a) and the Court's inherent power to manage its docket before U.S. District Court Judge

Richard H. Kyle, United States District Court, 118 South Mill Street, 212 USPO Building, Fergus Falls, MN 56537.

Dated: June 27, 2012

By: s/Seth Leventhal

LEVENTHAL pllc
Seth Leventhal, Esq. (#0263357)
2100 Rand Tower
527 Marquette Ave S
Minneapolis, MN 55402
Telephone: (612) 234-7349
seth@leventhalpllc.com

FRESHFIELDS BRUCKHAUS DERINGER
US LLP

Timothy P. Harkness (admitted *pro hac vice*)
Pamila Gudkov (admitted *pro hac vice*)
601 Lexington Avenue, 31st Floor
New York, New York 10022
Telephone: (212) 277-4000

ATTORNEYS FOR DEFENDANT
KINDERHOOK INDUSTRIES, LLC